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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,) NO. 5:18-CR-506-BLF-2
13)
Plaintiff,) STIPULATION AND [PROPOSED] ORDER
14) CONTINUING HEARING DATE AND
v.) EXCLUDING TIME FROM JANUARY 7, 2020 TO
15) JANUARY 14, 2020
KRISTOPHER PURCELL, aka "K-Dawg,")
16)
Defendant.)
17)
18)

19 The defendant, KRISTOPHER PURCELL, represented by Kenneth Wine, and the Government,
20 represented by Assistant United States Attorney Katherine Griffin, hereby stipulate and agree as follows:

21 1. The matter is currently set for a change of plea or status hearing before this Court on
22 January 7, 2020, at 9:00 AM.

23 2. This is a complex case due to the nature of the prosecution, including the racketeering and
24 violence in aid of racketeering charges and the supporting evidence. This is supported by the Superseding
25 Indictment and other matters on the record in this case.

26 3. The parties have reached a tentative agreement for disposition of the case, but request
27 additional days to finish conducting appropriate research of the consequences of such disposition in this
28 case.

4. Consequently, the parties jointly request a continuance until January 14, 2020, at 9:00 AM. The parties request that the Court set this case for a change of plea.

5. The parties agree that, in light of the above, it is appropriate to exclude time under the Speedy Trial Act, including for the effective preparation of counsel, and due to the complex nature of the prosecution, through and including the newly requested hearing date of January 14, 2020. The parties therefore jointly request that the Court enter the Proposed Order below continuing the hearing date and excluding time.

SO STIPULATED.

DAVID L. ANDERSON
United States Attorney

Dated: January 2, 2020

/s/
KATHERINE GRIFFIN
Assistant United States Attorney

Dated: January 2, 2020

/s/

KENNETH WINE
Counsel for KRISTOPHER PURCELL

[PROPOSED] ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that the hearing currently scheduled on January 7, 2020, is continued to January 14, 2020, at 9:00 AM, for change of plea.

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between January 7, 2020, and January 14, 2020, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). This is also a complex case due to the nature of the prosecution. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). The Court further finds that the ends of justice are served by excluding the time between January 7, 2020, and January 14, 2020, from computation under the Speedy Trial Act and such exclusion outweighs the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that the time from January 7, 2020, through and including January 14, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii), and (B)(iv).

DATED: _____

HON. BETH LABSON FREEMAN
United States District Judge